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REMARKS/ARGUMENTS

Reconsideration and withdrawal of the Examiner's rejection of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks. New claims 2-8 are in the application. Claim 1 has been canceled. No new matter has been added.

The Examiner rejected claim 1 under 35 U.S.C. 112. Applicant has canceled claim 1. The Examiner rejected claim 1 under 35 U.S.C. 103 as being unpatentable over Thorpe and view of Langford and over Thorpe in view of Shen. Applicant has canceled claim 1 and has replaced it with new claims 2-8, which are believed to be patentable over the cited references. Support for new claims 2-8 can be found in the specification on pages 2-5.

New claim 2 indicates a command given for the computer to be switched off. This is described on p. 4, para. 3 of the specification. This command is a command made by a user of the computer. This characteristic makes the invention different from Thorpe. In Thorpe, the user initiates a backup/powerdown routine by moving a switch on the device to "off". For this, it is necessary to connect a device to a computer, the device comprising electronic components (CPU, a logic gate, an on/off switch, etc.) to be able to carry our the switching off of the computer, to detect the switching off and to automatically run the backup copy, and to detect the end of the copy, to cut the feeding of the computer and to switch it off definitively.

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Thorpe also describes an embodiment in which the device is incorporated in the computer itself, but in this embodiment, it is equally necessary to use additional electronic equipment (at least the switch to cause the switching off of the computer) for th attainment of the invention described in Thorpe.

The present invention does not need any additional electronic components, which has obvious advantages, both technical and economic. Thorpe describes a device in which it is necessary to cause the switching off of the computer and then the execution of the corresponding backup copy and the power cut of the computer, while in the present application the intervention of a user acting on the operating system is only necessary to cause a command to switch off the computer. This command is then treated by the control software of claim 2, which is installed in the computer itself, with no further intervention of the user.

New claim 2 claims a disconnection device. Support for this amendment can be found on p. 3, paragraph 3 of the specification. Claim 2 describes the function of the control software in a more precise manner. New claim 2 claims the switching off command of the computer and runs the backup software. Once the backup copy is complete, the control software acts on the disconnection device to switch off the computer. This first step is described on p. 2, para. 3 of the specification: "When the order is given to disconnect the system, the control software automatically runs a configurable copy of the files selected .. . ." The second

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step is taken from pages 2 and 3: "With this system, the user need not wait around for the backup to finish in order to switch off the computer, since both the backup itself and the switching off of the computer are automatic. . . " and "if an error occurs during the backup . . .the computer may or may not shut down, depending on how it has been configured by the user." It is clear that the control software is able to shut down the computer after the backup copy is completed (or aborted) without intervention from the user. Thus, the main steps performed by the control software and now added to new claim 2 are disclosed to the skilled man in the description as filed.

New dependent claim 3 indicates that the disconnection device is a power relay, as described on p. 4 of the specification. Dependent claim 4 gains support from p. 3, paragraph 3 of the specification. Dependent claims 5-7 contain features present in original claim 1. New claim 7 is a method claim that contains features also claimed in the system claim of new claim 2.

The Examiner rejected original claim 1 under 35 U.S.C. 112, stating that "user code" was unclear. New claims 5 and 6 refer to a user security code, which can be used to identify the user by the control software and allows the user to carry out modifications, and for the decryption process of the backup copies.

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The Examiner also objected to the expression "power relay connected to said computer." In new claim 2, the term "power relay" has been replaced by "disconnection device". The fact that the power relay or the disconnection device are inside or outside the computer is not decisive, although it is preferable that it be inside the computer and already an element of the computer board itself.

Claim 2 is patentable over Thorpe in view of Langford or Shen, because Thorpe uses an on/off switch associated with additional electronic components, while the present invention does not need any additional components. A user need only act on the computer, at a software level, to generate the command for switching off the computer and creating the backup. Accordingly, Applicant submits that claims 2-8 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

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I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 13, 2003.

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